

**BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA**

In the Matter of the Application of Citizens  
Telecommunications Company of California, Inc.  
(U-1024-C) dba Frontier Communications of  
California to Review Its New Regulatory  
Framework.

Application 03-04-002  
(Filed April 1, 2003)

**ADMINISTRATIVE LAW JUDGE'S RULING  
DENYING MOTIONS TO INTERVENE AND SETTING DATE  
FOR FILING REPLY COMMENTS ON THE DRAFT DECISION**

On November 10, 2003, Pacific Bell Telephone Company (Pacific), SureWest Telephone (SureWest), and Verizon California Inc. (Verizon) filed comments on the draft decision in this proceeding. With their comments, Pacific and SureWest filed motions to intervene. Verizon did not. The issue they sought to address is whether the Commission has the authority to require Citizens to pay for the costs of consultants to be hired by ORA to undertake an audit.

Pacific and SureWest could have sought to intervene in this proceeding when I directed the parties to brief the issue. If intervention had been granted, the briefing schedule could have been set to allow parties sufficient time to address the arguments raised by Pacific and SureWest. However, they chose not seek to intervene at that time. To allow intervention at this time would, as ORA represents, impose an additional burden on other parties to respond to the arguments they raise. More importantly, it would deprive other parties of the opportunity to properly brief the arguments raised in the comments. Therefore, I will deny the motions.

Verizon did not file a motion to intervene. Instead, it relied on Rule 54, which provides that “an appearance may be entered at the hearing without filing a pleading...” The rule poses certain requirements, and specifies that, if the requirements are met, the entity on whose behalf the appearance is entered becomes a party, and may participate to the degree indicated by the presiding officer. Verizon did not enter an appearance at a hearing in this proceeding. Therefore, Rule 54 does not apply. As a result, there is no motion pending, and Verizon’s comments will not be accepted. If Verizon had filed a motion to intervene, I would have denied it for the same reasons I deny Pacific and SureWest’s motions.

The parties to this proceeding were given an extension of time to file reply comments on the draft decision until after the above motions have been addressed. Since this ruling disposes of the motions, I will require the parties to file and serve their reply comments no later than December 2, 2003.

Therefore, **IT IS RULED** that:

1. The motions to intervene filed by Pacific Bell Telephone Company, and SureWest Telephone on November 10, 2003, are denied.
2. The comments filed by Verizon California Inc. on the draft decision in this proceeding shall not be accepted for filing.
3. The parties to this proceeding shall file and serve their reply comments on the draft decision no later than December 12, 2003.

Dated November 26, 2003, at San Francisco, California.

/s/ Jeffrey P. P. O’Donnell  
Jeffrey P. O’Donnell  
Administrative Law Judge

**CERTIFICATE OF SERVICE**

I certify that I have by mail this day served a true copy of the original attached Administrative Law Judge's Ruling Denying Motions to Intervene and Setting Date for Filing Reply Comments on the Draft Decision on all parties of record in this proceeding or their attorneys of record.

Dated November 26, 2003, at San Francisco, California.

/s/ Antonina V. Swansen  
Antonina V. Swansen

**N O T I C E**

Parties should notify the Process Office, Public Utilities Commission, 505 Van Ness Avenue, Room 2000, San Francisco, CA 94102, of any change of address to insure that they continue to receive documents. You must indicate the proceeding number on the service list on which your name appears.